IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 49 OF 2005

M/S TIMBLO MINERALS PVT.LTD., AND ANR., ...Appellants

Versus

M/S HARDESH ORES PVT. LTD., AND 2 ORS., ...Respondents

Mr. S. K. Kakodkar, Senior Advocate with Mr. Joel J. D' Souza, Advocate for the appellants.

Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudesh Usgaonkar and Ms. P. Kamat, Advocates for the respondents No.1 and 2.

Mr. D. Pangam, Advocate for the respondent No.3.

Coram:- R. M. LODHA, J.

Date:- 6th October, 2005

P.C.

During the course of motion hearing, Mr. M.S. Usgaonkar, the learned Senior Counsel for the respondents No.1 and 2 handed in an unsigned statement (marked "X" for identification purposes) wherein it is stated that the respondents No.1 and 2 shall remove within one week from today the items inside the office and other structures occupied by them; they shall dismantle and/or take away from suit mine lease area within a period of six weeks from today: (a) the benefication plant, (b) the 24 numbers hume pipes of one metre diameter, and (c) the 250 metres long pipeline of 6 inches diameter and that the respondents No.1 and 2, their personnel as also the security employed by them shall not enter the suit mine lease area thereafter.

2. Mr. S. K. Kakodkar, the learned Senior Counsel for the appellants is not averse if the aforesaid statement made on behalf of the respondents

No.1 and 2 is accepted and the appeal is disposed of in terms thereof.

3. Having considered the statement ("X") tendered on behalf of the respondents No.1 and 2, I am satisfied that it may be accepted and I accept the said statement accordingly.

4. The respondents No.1 and 2 are directed to abide by the time schedule set out in the aforenoted statement. It is made clear that after the period of six weeks from today, the respondents No.1 and 2 and their personnel and the security employed by them shall not enter the suit mine lease area in whatosever manner and any disobedience thereof would be construed not only as disobedience of the order dated 5.9.2003 as modified by the Apex Court by order dated 16.3.2004, but also a deliberate and wilful disobedience of the order passed by me today.

The appeal from order is disposed of accordingly.

R. M. LODHA, J.

ssm.